FILED
NOV 26 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Martin Edward Watters
NAME
E-86183
PRISON NUMBER
California State Prison - Solano
PLACE OF CONFINEMENT
P.O. Box 4000, Vacaville CA. 95696
ADDRESS "pro se"

United States District Court
Southern District Of California

MARTIN ED WALTERS,
(FULL NAME OF PETITIONER)
Petitioner

v.

D.K. Sisto; Director of corrections,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

and

The Attorney General of the State of California, Additional Respondent.

Civil No. '07 CV 2236 JLS LSP
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. Type of challenge (CHECK ONE):
   - ☐ Parole
   - ☐ Probation
   - ☐ Loss of good-time credits
   - ☐ Prison disciplinary hearing
   - ☒ Other (specify): California is Violating the Terms of Petitioners Plea Agreement; Petitioner seeks to enforce the promises used to obtain Guilty plea; Increase in petitioner's restitutions, and fines via new rule.

2. Have you previously filed any petitions, applications, or motions with respect to the execution of your sentence in any court, state or federal?
   ☒ Yes ☐ No

3. If your answer to 2 was "Yes," give the following information:

   (a)(1) Name of court San Diego County Superior Court

   (2) Nature of proceeding Habeas corpus

   (3) Grounds raised California is Violating the terms of petitioners Plea agreement

   (4) Did you receive an evidentiary hearing on your petition, application or motion?
   ☐ Yes ☒ No

   (5) Result Denied

   (6) Date of result June 21 2006

   (b) As to any second petition, application or motion give the same information:

   (1) Name of court California Supreme Court

   (2) Nature of proceeding [Habeas corpus) petition for review.

   (3) Grounds raised California is Violating the terms of petitioners Plea Agreement; California is operating a unconstitutional indeterminate sentencing statute, P.C. §190; California is operating a "parole" statute that is in conflict with Federal law; California increased Petitioners fine in Violation of expost facto, federal law.
   * All grounds claim federal due process violations.

(4) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No

(5) Result Denied

(6) Date of result August 15 2007

(c) Did you appeal, to the highest state court having jurisdiction, the result of action taken on any petition, application or motion?
(1) First petition, etc. ☒ Yes ☐ No
(2) Second petition, etc. ☒ Yes ☐ No

(d) If you did ***not*** appeal from the adverse action on any petition, application or motion, explain briefly why you did not: N/A

4. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition **all** available grounds* on which you base your allegations that you are being held in custody unlawfully.

A. Ground one: Petitioner's guilty pleas were obtained by unfulfilled promises of the California State Prosecutor and Judge in Violation of the laws, treaties, and or the Due Process Clause of the United States Constitutions 14th Amendment. The State is Violating the terms of petitioners Plea Agreement.

Supporting FACTS (state *briefly* without citing cases or law) Summary;

1. Petitioner has guarenteed Due process rights, conferred by the U.S. Constitution to enforce the terms of his plea Agreement.

2. On 5-9-90, in the San Diego County Superior Court of California, Witnessed by Larry Ainbinder, Petitioners State Counsel, Deputy District Attorney (D.D.A.) Evan Miller Promised, inter alia, that petitioner "would not serve one day on the first degree murder" charge (in State case #103749) "because the term (petitioner would receive) would expire before petitioners federal sentence" (in case # 88-0769-G-criminal), when refering to a "package Deal" Plea Agreement in cases pending against petitioner.

3. He promised that "the State would honor petitioner's conditions for pleading guilty," which are, inter alia, (A.) That anytime petitioner received in State court would be concurrent to anytime petitioner received in Federal court. (B.) Anytime petitioner received would be served in Federal custody. (other Conditions not mentioned for brevity sake)

4. D.D.A. Miller told petitioner that as a multijurisdictional prisoner, the concurrent time provision, would ensure petitioner would be released at the expiration of his Federal sentence. (See Additional Facts annexed hereto, and incorporated herein by reference on next page.)

B. Ground two: The Statute under which petitioner was convicted and Sentenced under is unconstitutionally Vague, in Violation of the 14th Amendment of the United States Constitution.

Supporting FACTS (state *briefly* without citing cases or law): 1.) Petitioner Contends that California is operating an unconstitutional invalid implied indeterminate Sentence Statute, California's Penal Code Sec. 190(a), language '25 years to Life' Specificly is not an indeterminate Sentence; and if it is, The Statute was constructed so Vaguely that it should be deemed unconstitutional, when subjecting U.S. citizens (without consent) to it. here's why:

2.) The claim that 25 years to life, in Cal. P.C. §190(a) is in fact a (Go to page 5 for additional facts)

CONTINUED SUPPORTING FACTS FOR GROUND 1.

5. D.D.A. MILLER TOLD PETITIONER THAT, PETITIONER WOULD BE ELIGABLE FOR EARLY RELEASE OF PAROLE, UP TO 60 MONTHS, SAYING IT WAS NOT A CERTAINTY BUT POSSIBLE, AND THAT WAS UP TO THE PAROLE BOARD.

6. LARRY AINBINDER AFFIRMED THE TRUTH OF D.D.A. MILLERS REPRESENTATIONS, PETITIONER ACCEPTED THE REPRESENTATIONS AS TRUE FACTS, AND IN GOOD FAITH PERFORMED AS REQUIRED, BY PLEADING GUILTY IN BOTH STATE AND FEDERAL COURTS TO THE CHARGES, DESIGNED TO EFFECTUATE PETITIONERS UNDERLYING AGREEMENT TO SERVE TWENTY YEARS IN CUSTODY TO DESPOSE OF ALL CASES PENDING AGAINST HIM IN BOTH STATE AND FEDERAL JURISDICTIONS.

7. AT THIS SAME CHANGE OF PLEA HEARING, HONORABLE JUDGE, JESUS RODRIGUEZ, AGREED TO THE PROVISIONS, inter alia, OF CONCURRENT TIME, SERVED IN FEDERAL CUSTODY, AND THE 60 MONTHS OF PAROLE.

(A MULTITUDE OF FACTS ARE NOT MENTIONED HEREIN FOR THE SAKE OF BREVITY, for a more detailed account please see petitioners Declaration in support of petitioners Petition for Habeas Corpus, incorporated herein by reference, and attached hereto as exhibit F, and petitioner's alleged facts in all his State Habeas corpuses are also incorporated herein by reference.)

FEDERAL GUILTY PLEA

8. ON 5-9-90, IN THE UNITED STATES COURTHOUSE, SOUTHERN DISTRICT OF CALIFORNIA, PETITIONER, WITH HIS LAWYERS JAMES POKORNY, AND LARRY AINBINDER, ALONG WITH (A.U.S.A.) D. TOM FERRARO, FOR THE GOVERNMENT, APPEARED BEFORE HONORABLE EARL B. GILLIAM, FOR THE PURPOSE OF FULLFILING THE "FEDERAL PORTION" OF THE "PACKAGE DEAL" BY PLEADING GUILTY TO COUNTS (1), TEN (10) AND (13). (PLEASE, TAKE JUDICIAL NOTICE OF UNITED STATES OF AMERICA V. MARTIN EDWARD WALTERS, # 88-0769-G-CRIMINAL.)

Continued supporting facts, Ground 1.

9.) ON 5-9-90, in the federal court, Petitioners lawyer James Pokorny Larry Ainbinder and (A.U.S.A.) D. Thomas Ferraro, had a discussion about the terms and provisions of petitioner's State plea agreement.

10.) Honorable Earl B. Gilliam noted for the record that he understood the cases were dependant upon each other and since the State agreed to petitioners conditions, he would sentence Petitioner in accordance with federal law. (please see Federal plea bargain transcripts, incorporated herein by reference, annexed hereto, as exhibit F.); for a more Detailed account, see petitioners Declaration in support of petitioners petition for Writ of Habeas Corpus, incorporated herein by refrence.

11(a). Now, the state does not want to honor the representations, Promises, used to induce petitioners guilty pleas. in both State and federal courts.

11.(b). Thus, frustrating Petitioners purpose for pleading guilty or rendering the Volentary act of pleading guilty to an involentary act.

11.(c). Petitioner would not have plead guilty had he known the following promises would not be honored.

Continued Supporting facts, Ground 1.

12.) UNFULFILLED PROMISES OF THE PROSECUTOR that Induced Guilty Plea

1. That the States Sentence Would expire before the federal Sentence. (Petitioner calculates March/Feb. 2008)

2(a). That anytime petitioner received in State Court would be concurrent to anytime petitioner received in federal court. Because when petitioners sentence in federal court expires the State Courts sentence will no longer be concurrent; and

2(b) That petitioner would receive the appropriate Multijurisdiction Prisoner decision, ensuring petitioner's release at the expiration of his federal Sentence. Petitioner did not receive either.

3. That petitioner could receive up to 60 Months, early release via Parole; OR That Petitioner could (legally) even receive 60 months of the 'Penal consequence', Super Vised release, called parole at all! Because petitioner Now has a life time of 'parole'.

4. That petitioner could serve his State sentence in federal Custody.

Because Petitioner can't get C.D.C.R., or the California Courts to even acknowlege the demand, let alone comply with the provision of petitioners plea agreement and Now claim Petitioner has a life Sentence, according to C.D.C.R.. thus, indicating the illegal impossibilities of Petitioners plea agreement.

13.) Petitioner is entitled to relief.

14.) Petitioner Seeks Specific performance.

Continued supporting facts, Ground 1.

Background (procedural facts)

15.) On 10-21-88, Petitioner was arrested by federal authorities, charged with Various criminal offenses in case # 88-0769-G-criminal. Petitioner was held without bail in metropolitin correctional center (M.C.C.).

16.) On or about 12-1-88, Petitioner was charged with Various criminal offenses, including Murder, in California Superior court in San Diego county, in case # 103749.

Jurisdiction

17.) Should it please the court petitioner grants this court jurisdiction This court has original subject matter and personam jurisdiction, over Petitioner and respondent. Petitioner is a citizen of the United States and has previously sworn alliegence to the United States. Petitioner is not a resident citizen of California. Petitioner is serving a 272 month sentence imposed by this court, currently. (anticipated release date 2-28-08)

Parties

18.) Petitioner was represented by James Pokorny (esq.) on the federal case, and Larry Ainbinder (esq.) in the State case.

19.) D. Thomas Ferraro, Assistant United States Attorney (A.U.S.A.) represented the 'Government', and Evan Miller, Deputy District Attorney (D.D.A.), represented the 'State' of California.

Continued supporting Facts, Ground 1.

Presiding Judges

20.) IN the United States District Court, Honorable Earl B. Gilliam in Petitioners federal case, and Honorable Jesus Rodriguez, in the California Superior Court, in petitioners State case:

Plea Negotiations

21.) On or about May 2 1990, after numerous rejected plea offers, and rejected counter offers, the prosecutions offered petitioner a "package Deal" Plea bargains, Via Petitioners counsel's, that Both prosecutions would be satisfied if petitioner would serve 20 years in custody.

22.) Although petitioner rejected the offer's, Petitioner wanted to point out that we negotiated for a "bottom line." (Not effectuating charges) i.e. how much time Petitioner was willing to serve for all his crimes in both Jurisdictions., Not Im willing to plead guilty to this count if your willing to dismiss that count or case.

23.) Thus, on 5-8-90 and 5-9-90, Petitioner accepted the prosecutions offers of serving 20 years in custody, (That is the true meeting of the minds "agreement," the compromise) iF the prosecutions agreed to Petitioners conditions (supra).

24.) Petitioner did not design the effectuating charges or the effectuating instrument used to effectuate our "20 years in Custody" underlying and true agreement.

25.) Petitioner did not design the effectuating charges, he did not design the effectuating instrument, the prosecutions did that, Petitioner relied upon their (the Governments)' representations, honor and integrity. (their 'Word' if you will.)

//
/

Continued Supporting facts ground 1.

Approximate cause of action: Initial Parole Hearing

26.) ON 2-24-05, Petitioner should have appeared for a "multijurisdiction prisoner Initial parole hearing" (title 15 §§ 2368, 2370), instead he appeared for a "life prisoner parole consideration hearing".

27.) At this hearing chaired by Margarita Perez, and Deputy commissioner Danielle Lopez, who should have either discharged petitioner or set petitioners term (title 15 § 2370(d)(1), or (d)(2), decided Petitioner was unsuitable for early release Via parole. They also (Proposed) decided petitioner would not be suitable for parole for five years, and submitted the proposed decision to the Board (B.P.H.) for review.

28.) the panal advised petitioner that the proposed decision would not be final until the proposed decision was reviewed.

29.) To petitioner's knowlege the proposed decision has never been reviewed.

30.) Petitioner believed the proposed decision would be disapproved, Vacated and some appropriate decision would be made.

31.) On or about September 3, 2005, Petitioner submitted an appeal per title 15 §§ 2050, as a multijurisdictional prisoner, To the Pand CSD Interstate unit, and the Cand PR, Petitioner did not know the appeals for multijurisdictional prisoners were repealed.

32.) ON or about Oct. 29, 2005, Petitioner was transfered to California State prison in Solano County.

Continued Supporting facts, Ground 1.

33.) Petitioner knew something was wrong, only he did not know exactly what it (is) was, so with help he filed a petition for Habeas Corpus in the California Superior Court in and for the County of San Diego, on 4-18-06, for the ground that California was Violating the terms of petitioners plea agreement. the Petition was denied on 6-21-06.

34.) Over the next few months petitioner attempted to comply with the Superior Courts order, pointing out the petitions deficencies Scouring books, trying to go to the law library every chance possible searching for the answers, and discovering the paradoxes of California's laws and federal law and being confused by them (e.g. Parole, credits, I.S.L., D.S.L., etc.) only to conclude that California is operating a unconstitutionally vague indeterminate sentencing statute, without the mechanical operational statutes required to validly operate an Indeterminate Sentencing "Scheme".

35.) On 2-13-07, Petitioner submitted a new petition for writ of Habeas corpus, in the appropriate appellant court on the grounds that California is Violating the terms of petitioner's plea agreement and the Statute Penal Code Section 190, is unconstitutionally vague, essentially with facts alleging California's parole Violates the United States Supremacy clause and California increased petitioners fine,

Continued Supporting facts, Ground 1.

by increasing his court imposed restitutions by 10%, in Violation of the United States ex post facto/bill of attainder clauses.

36.) Petition was Denied on 5-24-07.

37.) Petitioner Submitted New appeals (Administrative) in reguards to post conviction credit, release on his term, request to serve the remainder of his terms to federal custody, and the Now imposed Life time of parole, when petitioner is released, No response.

38.) These issues are not being addressed, The federal custody and Parole period, are part of petitioner's plea agreement and are being Violated Too. (See plea agreement and legal status sheet, Ex. B and S)

39.) Petitioner submitted a petitioner for review to the California Supreme Court about 6-24-2007, presenting all four Issues, and was Denied on 8-15-2007.

40.) Thus, exhausting all California's Judicial remedies Known to petitioner.

Petitioner does not understand what is so hard to understand Petitioner was promised he would not serve one day on the murder, by D.D.A. Miller and Counsel, on (5-8-90 and) 5-9-90, in San Diego County court, Prior to entering his guilty pleas, [h]e relied on that, inter alia, and pleaded guilty.

Now, C.D.C.R. and B.P.H. tell him he has life, and thats unacceptable; Life time of parole when promised 5 years (MAX) Parole; and a multijurisdiction prisoner status, concurrent time ensured petitioner would be free at expiration of his federal sentence, Now this cant Happen. = unacceptable.

Prayer for relief

1. Petitioner respectfully prays this court will issue the Writ of Habeas Corpus and bring Petitioner's body to court.
2. Declare the rights of the parties.
3. settle the ambigueous terms of the plea agreement
4. Allow petitioner to enforce all the terms, provisions, conditions etc. of his plea agreement.
5. Order respondent(s) To transfer petitioner's physical body to To the Federal Jurisdiction, because apparently the State can not Conduct the multijurisdiction Prisoner Hearing required to render a decision that would effectuate the plea Agreement, and Petitioner has this provision in his plea agreement.
6. Order any appropriate remedy

~~Ground 2 Facts continued~~

Indeterminate sentence defies the principles of logic.

Reasons

3.) Major premise; In order for a person to determine that the language in question "25 years to Life" actually means an indeterminate sentence, one must conclude that every person convicted of first degree murder without special circumstances being found true, would receive an indeterminate sentence of 25 years to life.

4.) California Penal Code Section 190(a) states that the Penalty to be applied shall be determined in sections 190.1 - 190.5, Thus, Not in Penal code § 190(a) itself.

5.) California Penal Code Section 190.4, Paragraph 5, Provides for a 25 year Term, imposed by the court, for a person convicted of first degree murder without special circumstances being found true.

6.) California Penal Code Section 190(a), (orignally) Paragraph 3, That provision That provides for Post-conviction credit for (Determinate Sentence law)... [on next page.] (see additional facts incorporated and attached hereto)

C. **Ground three:** California enacted a new law increasing petitioner's punishment, by not accrediting a 10% administrative fee for collecting restitution and fines for california, thereby increasing petitioners obligation by 10%, in violation of the "ex post facto" of the U.S. Constitution Article I, § 10. Petitioner's State term has expired.

Supporting FACTS (state *briefly* without citing cases or law):

-Restitution-

1. when petitioner was arrested and sentenced in State Case # 103749 California's penal code Sec. 2085.5 provided for payment of restitution owed by collecting 20% of inmates wages and a 10% administrative fee, for the Department of corrections (C.D.C. then)

2. about 1994, the California Legislature amended Penal code Sec. 2085.5 To include trust account deposits (from any source) along with the 10% administrative fee. However, the New Statute was silent to whether the administrative fee would also be accredited towards the restitution owed. (Go to page 6

CONTINUED SUPPORTING FACTS, GROUND 2

... PERSONS DETERMINATELY SENTENCED (P.C. § 1170) STATES "... SHALL APPLY TO REDUCE ANY MINIMUM TERM OF 25... YEARS... IMPOSED PURSUANT TO THIS SECTION..."

7.) PETITIONER CONCLUDES THAT THE STATUTE PROVIDES FOR A DETERMINATE SENTENCE OF 25 YEARS, FOR FIRST DEGREE MURDER, WITHOUT SPECIAL CIRCUMSTANCES BEING FOUND TRUE.

8.) PETITIONER ASSERTS THAT, SHOULD THE STATUTE PROVIDE FOR A DETERMINATE SENTENCE OF 25 YEARS, FOR A PERSON CONVICTED OF FIRST DEGREE MURDER, (MINOR PREMISE) THEN ONE MUST CONCLUDE THAT THE LANGUAGE "25 YEARS TO LIFE" FOUND IN P.C. § 190 (A), IS NOT FOR AN INDETERMINATE SENTENCE/TERM.

9.) THERE IS NO WORD "INDETERMINATE" IN ANY PART OF THE ORIGINAL STATUTE OR VOTER INITITIVE, PROPOSITION 7, ENACTED IN 1978.

10.) THERE ARE AND WERE NO INDETERMINATE SENTENCING LAW STATUTES LEFT, TO VALIDLY OPERATE AN OPERATE AN INDETERMINATE SENTENCING SCHEME (FORMER, P.C. §§ 3020-25; 671, 2920-26, 2940 ET. SEQ.) WHEN CURRENT STATUTE P.C. § 190, WAS ENACTED.

11.) PETITIONER IS NOT SAYING FORMER I.S.L., IS INVALID, HE IS CLAIMING THAT CURRENT P.C. § 190 IS NOT OF THE I.S.L., AND APPLYING THE ANTIQUATED VALIDITY OF THE I.S.L., WHEN IT HAD THE MECHANICAL OR OPERATIONAL STATUTES, TO THE PENAL CODE § 190 OF 1978, IS

CONTINUED SUPPORTING FACTS, GROUND 2

INAPPROPIATE.

12.) CALIFORNIA PENAL CODE SECTION 1168 (b), IS NOT FORMER P.C. § 1168, AND 1168 (b), WAS CREATED FOR PERSONS WHO COMMITTED CRIMES PRIOR TO 7-1-77, (UNDER FORMER I.S.L.)

13.) PETITIONER ASSERTS THAT, WHEN LEGISLATURE ENACTED P.C.§§1168 (b), 1170.2, 3065, (AND THE SENTENCING RULES OF THE SUPERIOR COURT), IN 1977, LEGISLATURE DID NOT INTEND TO CREATE NEW INDETERMINATE SENTENCES IN 1978, NOR INTEND TO APPLY THOSE STATUTES TO VALIDATE AN (IMPLIED) INDETERMINATE SENTENCE CREATED LESS THEN 2 YEARS LATER.

14.) CALIFORNIA'S SUPREME COURTS SPLIT DECISION, IN LANDMARK CASE IN RE JEANICE D, PROVES THAT EVEN THE CALIFORNIA SUPREME COURT, THE CALIFORNIA ATTORNEY GENERAL, NOR THE DEFENDANTS COUNSEL KNEW WHAT THE (LANGUAGE) LAW WAS. PETITIONER REASONS THAT IF THEY DID NOT KNOW, THEN THE LAW IS TOO, VAGUE. (He did not know either.)

15.) PETITIONER ASSERTS THAT DESPITE THE HOLDINGS IN THAT CASE, THE WORDS 25 YEARS TO LIFE, CAN NOT BE AN INDETERMINATE SENTENCE.

16.) PETITIONER, BEING A HIGH SCHOOL GRADUATE COULD NOT THEN, AND CAN NOT NOW, ASCERTAIN HOW THE LEGISLATURE, WHOSE AUDIENCE "THE PUBLIC", (FUNCTIONAL ILLITERATES (ME), COULD POSSIBLY ASCERTAIN THAT THE PUNISHMENT FOR FIRST DEGREE MURDER WITHOUT SPECIAL CIRCUMSTANCES, CARRIED AN INDETERMINATE TERM, WITHOUT EXPRESSING THE WORDS, IN The statute.

continued supporting facts, ground 2.

Petitioner would like to incoporate all his alleged facts contained in his State Habeas Corpus petition and Declaration in support of petitioners Petition for Writ of Habeas Corpus in this federal court.

Petitioner does not know how to proceed, for he is a layman at law, who knows he made a deal, believing he would be free at the expiration of his federal sentence and is now caught in an illogical situation created from the states effectuating instrument (plea agreement) that is ambigueous.

Ambiguities

Parole (60 months)
25 years to Life
Murder Matrix
concurrent time
Multijurisdiction prisoner
served in federal custody

Parole consideration
Parole suitibility, before setting term, that already expired.
Penal consequence parole
Life Prisoner

Petitioner needs the above mentioned ambiguities settled in order to even begin to write effectively.

Petitioner's state term expired on 9-1-05 (see exhibit N).

Continued Ground 3

3. On or about 2005, California Code of Regulations (C.C.R.) Title 15 Sec. 3097.(d), enacted a new provision, no longer deducting the 10% administrative reemburseMent fee.

4. Petitioner contends that whether by Legislative intent or C.D.C.R. is Taking advantage of an over reaching Policy, Petitioner (and many others) is now subject to a 10% increase in his financial obligation. In order to satisfy petitioner's court ordered $5,000 fine, and $3,500+ Victim Restitution, Petitioner would have to pay approximately $820.00 more Than was ordered by the court. (while others overpaid)

5. Petitioner Seeks an order from this court stopping the excessive overcharging of petitioner, (and all U.S. citizen inmates) by C.D.C.R. or whomever is responsible for this unjust enrichment, and to reimburse petitioner (and everyone else) for the 10% that was taken and not accredited towards the amount owed.

D. Ground four: California's "penal consequence Parole" is in Direct Conflict with Clearly established United States Supreme Court Law, defining parole and using the artifice to induce petitioner's guilty plea, and then using "parole" artiface to circumvent meaningful federal court review in violation of petitioner's "Due Process" rights, conferred by U.S. constitution.

Supporting FACTS (state *briefly* without citing cases or law):

1. The United States Supreme Courts definition of parole, inspired petitioners understanding of what parole means, when petitioner entered his guilty plea, in San Diego County Superior Court, on 5-9-90, in case # 103749.

2. In California, parole is described as a 'penal consequence', served after a prisoner has served his entire prison Term, similar to "supervised Release" that was adopted in the federal system on Nov. 1, 1988 (10 days after petitioners arrest). Prior to guilty plea (amount of parole)

3. On 5-9-90, in the San Diego Superior Court, Petitioner was informed by his Lawyer Larry Ainbinder, D.D.A. Evan Miller, and Honorable Judge Jesus Rodriguez That his period of parole would be for a period up to 60 months. Although, D.D.A. Miller used the phrase "eligible for early release on parole, up to 60 months" indicating the federal courts definition of parole.

4.) On or about 7-28-06, C.D.C.R. claimed that petitioner will...

(supporting facts continued on next page)

CONTINUED SUPPORTING FACTS, GROUND 4.

... BE ON THE PENAL CONSEQUENCE CALLED PAROLE FOR THE REMAINDER OF PETITIONER'S LIFE.

5.) PETITIONER ACCEPTED THE PAROLE PERIOD AS EARLY RELEASE AS IT WAS OFFERED PRIOR TO PLEADING GUILTY.

6.) PETITIONER WILL NOT ACCEPT A LIFETIME OF BEING SUBJECTED TO THE CONDITIONAL FREEDOM, UNDER ANY PRETEXT CALLED PAROLE, OR THE 60 MONTHS OF PENAL CONSEQUENCE, CALLED PAROLE.

AMBIGUITY OF PAROLE IN CONTRACT

7.) PETITIONER CONTENDS THAT PAROLE MEANS PAROLE, AND CALIFORNIA IS USING SOPHISM OR ARTIFACE TO EXPLOIT THE FEDERAL COURTS, WHO ARE BOUND TO APPLY THE FEDERAL COURTS RULES AND PRINCIPLES, WHEN REVIEWING PETITIONS CONCERNING THE LEGITIMATE PAROLE. (EARLY RELEASE)

8.) IN OTHER WORDS THE FEDERAL COURTS RULES REGUARDING PAROLE, ARE VERY STRICT, BECAUSE THE RULES AND PRINCIPLES, ARE BASED UPON THE PRESUMPTION THAT PAROLE IS EARLY RELEASE; NOT PENAL CONSEQUENCE CALLED PAROLE, AS CALIFORNIA DEFINES PAROLE.

MULTIJURISDICTION PRISONER INITIAL PAROLE HEARING

9.) ON 5-9-90, IN SAN DIEGO COUNTY SUPERIOR COURT, PRIOR TO GUILTY PLEA, WITNESSED BY AND AGREED TO AS

CONTINUED SUPPORTING FACTS, GROUND 4.

... TRUE, LARRY AINBINDER, PETITIONER'S COURT APPOINTED COUNSEL, DEPUTY DISTRICT ATTORNEY EVAN MILLER, TOLD PETITIONER THAT:

A. PETITIONER WAS A MULTIJURISDICTIONAL PRISONER; AS A MULTIJURISDICTIONAL PRISONER, THE BOARD OF PRISON TERMS (B.P.H. NOW) WOULD MAKE A DECISION AT PETITIONERS "MULTIJURISDICTION INITIAL PAROLE HEARING" THAT WOULD ENSURE PETITIONER WOULD BE RELEASED AT THE EXPIRATION OF PETITIONERS FEDERAL SENTENCE.

10.) PETITIONER CONTENDS THESE STATEMENTS WERE OFFERED AS TRUE, AND ACCEPTED AS TRUE, AND PETITIONER PERFORMED BY PLEADING GUILTY WITH THESE THOUGHTS AS TRUE.

11.) PETITIONER ASSERTS THAT PETITIONER HAS NOT RECEIVED THIS HEARING AND HAD THE B.P.T. PERFORMED AS REQUIRED PETITIONER WOULD BE FREE FROM THE CALIFORNIA PORTION OF HIS PACKAGE DEAL PLEA AGREEMENT.

12.) ON 2-24-05, PETITIONER APPEARED BEFORE A INITIAL LIFE PRISONER PAROLE CONSIDERATION HEARING, IN PLEASANT VALLEY STATE PRISON, IN FRESNO COUNTY, AT THAT HEARING PETITIONER WAS NOT CONSIDERED A MULTIJURISDICTIONAL PRISONER, AND THE PANEL MADE A PROPOSED DECISION TO DENY PETITIONERS APPLICATION FOR PAROLE, DID NOT SET PETITIONER'S TERM, OR DISCHARGE THE STATES SENTENCE AS REQUIRED BY MULTIJURISDICTIONAL PRISONER RULES AND REGULATIONS, AND DEFFERED PETITIONER'S SUBSEQUENT LIFE PRISONER

SUPPORTING FACTS FOR GROUND 4

... PAROLE CONSIDERATION HEARING FOR 5 YEARS. THUS, 2005 PLUS 5 YEARS EQUALS 2010, OR 22 YEARS OF CUSTODY, PETITIONER AGREED TO SERVE 20 YEARS, AND THE STATES TERM WOULD EXCEED THE FEDERAL TERM VIOLATING OUR PLEA AGREEMENT.

13.) ON OR ABOUT JUNE 10, 2005, PETITIONER SUBMITTED A MULTIJURISDICTIONAL PRISONER APPEAL, TO THE P AND CSD AND TO C AND PR, CLAIMING THE PANELS DECISION WAS INAPPROPRIATE FOR MANY REASONS.

14.) PETITIONER DID NOT KNOW B.P.H. ABOLISHED APPEALS FOR DECISIONS, EFFECTIVE IN ABOUT JUNE OF 2005.

15.) PETITIONER WAS UNABLE TO DISCOVER THIS BECAUSE THE PRISONS LIBRARY DID NOT HAVE THE UPDATED CHANGES IN RULES.

16.) ON OR ABOUT OCT. 25, 2005, PETITIONER WAS TRANSFERRED FROM PLEASANT VALLEY STATE PRISON TO CALIFORNIA STATE PRISON IN SOLANO COUNTY.

17.) PETITIONER WAS UNABLE TO DISCOVER B.P.H. NO LONGER PROCESSED MULTIJURISDICTIONAL APPEALS UNTIL THE NEW TITLE 15 DIVISION 2 APPEARED IN THE LAW LIBRARY IN 2007.

18.) PETITIONER DID ATTEMPT TO DISCOVER THE STATUS OF HIS APPEAL WITH NO RESPONSES.

19.) PETITIONER SUBMITTED LETTERS TO CONTACT THE BOARD OF PAROLE HEARINGS EXECUTIVE OFFICER; CHIEF COUNSEL (WHO REVIEWS PROPOSED DECISIONS OF THE PANEL); CENTRAL OFFICE CALENDAR COORDINATOR; AND INTERSTATE REVIEW UNIT, WITH NO RESPONSES.

EXHIBIT COVER PAGE:

Exhibit: A

Description of this exhibit: Declaration of facts in Support of Petitioner's Petition for Writ of Habeas Corpus.

Number of pages of this exhibit: 18 pages

JURISDICTION: (Check only one)

_____ Municipal Court

_____ Superior Court

_____ Appellate Court

_____ State Supreme Court

__X__ United States District Court

_____ United States Circuit Court

_____ United States Supreme Court

_____ California Department of Corrections, 602 Exhibit.

_____ Other: ____________________

DECLARATION IN SUPPORT OF PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS (AND EVIDENTIARY HEARING.)

I, MARTIN EDWARD WALTERS SWEAR ON MY SOLMN OATH AND DEPOSE THAT THE FOLLOWING FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SWEAR THIS TO BE TRUE UNDER THE PENALTY OF PERJURY.

1. PETITIONER WILL BE ILLEGALLY CONFINED IN A CALIFORNIA STATE PRISON UNDER C.D.C.R. # E-86183, BECAUSE THE MOMENT PETITIONERS FEDERAL TERM OF IMPRISONMENT HAS EXPIRED, (WHICH IS ANTICIPATED ON 2-28-08) THE STATES PROMISE, TO RUN "ANY TIME PETITIONER RECEIVED IN STATE COURT WOULD BE CONCURRENT TO ANY TIME PETITIONER RECEIVED IN FEDERAL COURT," INEXORABLY WILL BE BREACHED.

2. PETITIONER HAS SHOWN GOOD FAITH IN BRINGING THESE CONTRACTUAL ISSUES TO THE STATES COURTS, WHERE THEY REFUSE TO CONDUCT A CONTRACTUAL INTERPRETATION OF PETITIONERS PLEA AGREEMENT.

3. PETITIONER ASSERTS THAT HAD THE CALIFORNIA COURTS GRANTED PETITIONER AN EVIDENTIARY HEARING PETITIONER WOULD PROVE HE IS ENTITLED TO RELEASE, BECAUSE HIS STATE PRISON TERM HAS EXPIRED.

4 PETITIONER NEEDS A PLENARY REVIEW, BECAUSE PETITIONER CLAIMed FACTS, Made ON AND OFF THE RECORD by the State entitle HIM TO RELIEF. HABEAS CORPUS IS THE PROPER MECHANISM, AND HE KNOWS OF NO OTHER APPROPRIATE OR SPEEDY REMEDY.

5. PETITIONER HAS A DUE PROCESS RIGHT TO ENFORCE THE TERMS OF HIS PLEA AGREEMENT.

6. ON OR ABOUT 4-19-1990, IN SOUTHERN DISTRICT OF CALIFORNIA, IN THE COUNTY OF SAN DIEGO, AT METROPOLITAN CORRECTIONAL CENTER (M.C.C.), WHERE AFFIANT (PETITIONER) WAS HOUSED (FEDERAL PROPERTY) IS WHERE PETITIONER WAS TOLD BY LARRY AINBINDER (PETITIONER'S LAWYER AND AGENT)

THAT DEPUTY DISTRICT ATTORNEY MR. EVAN MILLER (D.D.A.), OFFERED PETITIONER A PLEA BARGAIN, PETITIONER WOULD PLEAD GUILTY TO FIRST DEGREE MURDER OR HE WOULD PROSECUTE PETITIONERS MOTHER AND AUNT, WHO WERE ARRESTED ON DECEMBER 25, 1989, FOR VARIOUS FEDERAL CHARGES, BY FEDERAL AUTHORITIES. PETITIONER REFUSED, BECAUSE HE DID NOT THINK THAT THE D.D.A. COULD LEGALLY DO THAT THREAT.

7. ON OR ABOUT MAY 2, 1990, AT M.C.C., JIM POKORNY (PETITIONER'S FEDERAL LAWYER AND AGENT) TOLD PETITIONER THAT MR. FERRARO ASSISTANT UNITED STATES ATTORNEY (A.U.S.A.) HAD ALSO OFFERED PETITIONER A PLEA BARGAIN, PETITIONER REFUSED. IN BOTH CASES THE PROSECUTORS (FALSELY) CLAIMED PETITIONER FACED LIFE WITHOUT THE POSSIBILITY OF PAROLE IN THE FEDERAL CASE, BOTH PROSECUTIONS USED THE MISREPRESENTATION AS LEVERAGE WHEN PETITIONER WAS ADVISED BY BOTH LARRY AINBINDER AND JIM POKORNY THAT PETITIONER WOULD PROBABLY BE CONVICTED IN FEDERAL COURT, BASED UPON VIEWING VIDEO AND AUDIO TAPED CONVERSATION, ALLEGEDLY SHOWING PETITIONER NEGOTIATING THE PURCHASE OF LARGE QUANTITIES OF PRECURSER CHEMICALS, ALLEGED FOR THE PRODUCTION OF METHAMPHETAMINE.

8. DURING THE CONVERSATION BETWEEN PETITIONER AND MR. POKORNY, MR. POKORNY TOLD PETITIONER, THAT PETITIONER SHOULD SERIOUSLY CONSIDER TAKING DEALS IN BOTH STATE AND FEDERAL CASES, BECAUSE THE DEAL WOULD SAVE HIS FAMILY, AND PETITIONER WOULD BE FREE IN ABOUT 20 YEARS. MR. POKORNY SAID THAT HE AND LARRY AINBINDER HAD BEEN TALKING TO BOTH PROSECUTORS ABOUT RESOLVING ALL PETITIONERS CASES BY PLEA.

9. MR. POKORNY SAID THAT LARRY AINBINDER TOLD HIM THAT HIS (LARRY AINBINDERS) CALCULATIONS INDICATED THAT, IN PETITIONERS CASE, THE TERM FOR FIRST DEGREE MURDER WITH POST CONVICTION CREDITS WOULD RESULT IN A NINETEEN (19) YEAR PERIOD OF CONFINEMENT AND THAT THE ONLY WAY PETITIONER WOULD EXTEND THE ANTICIPATED PERIOD OF CONFINEMENT WAS VIA FORFEITURE OF CREDIT FOR MISBEHAVIOR. PETITIONER REFUSED THE OFFER, AND TOLD MR. POKORNY, HE WOULD THINK ABOUT IT.

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10.) On or about; 5-4-90, AT THE FEDERAL JAIL HOUSE,

MR. POKORNY SAID THAT HE, MR. FERRARO, MR. MILLER, AND LARRY AINBINDER HAD AN IN CHAMBERS MEETING WITH HON. EARL B. GILLIAM, PRESIDING JUDGE IN PETITIONER'S FEDERAL CASE. ACCORDING TO MR. POKORNY, THE GROUP DISCUSSED THE STATUS OF THE CASES, DISCOVERY ISSUES, AND DISPOSITION OF THE CASES. AT SOME POINT JUDGE GILLIAM TOLD MR. POKORNY IN FRONT OF THE OTHER LAWYERS THAT HE WOULD ORDER PETITIONER TO STAND TRIAL; IMMEDIATELY, DESPITE THE FACT THAT MR. POKORNY DID NOT RECEIVE ALL THE DISCOVERY EVIDENCE THAT THE A.U.S.A. PLANNED ON INTRODUCING AT PETITIONER'S TRIAL, IF PETITIONER DID NOT DISPOSE OF BOTH CASES BY PLEA, AND THE CONVICTION WOULD MAKE THE STATE CASE GO AWAY, BECAUSE PETITIONER WOULD SPEND HIS NATURAL LIFE IN A FEDERAL PENITENTIARY. MR. POKORNY ALSO SAID THAT HON. JUDGE GILLIAM WOULD DENY ALL PETITIONER'S MOTIONS AND THUS, DEPRIVE PETITIONER OF ANY CHANCE OF SUCCESS AT A JURY TRIAL. AS A RESULT, THE PROSECUTIONS SAID THEY WOULD BE CONTENT IF PETITIONER SERVED 20 YEARS IN CUSTODY.

11.) AFTER THE INITIAL RANTS OF DEFIANCE AND ANGER PETITIONER EXPRESSED TO MR. POKORNY ABOUT THE LEGAL SYSTEMS DISGUSTING TACTICS, PETITIONER INQUIRED ABOUT THE "PACKAGE DEAL" PLEA BARGAIN THAT ENSURED PETITIONER WOULD BE FREE, (NOT ELIGIBLE FOR PAROLE!) IN 20 YEARS.

12.) OVER THE NEXT FEW DAYS (AT M.C.C.), PETITIONER WAS INFORMED BY BOTH LARRY AINBINDER AND POKORNY OF THE PROPOSED "PACKAGE DEAL" OFFERS, AND PROVED TO PETITIONER THAT HE WOULD BE RELEASED BETWEEN 19-21 YEARS. BY DOING CALCULATIONS UPON THE PRESCRIBED ANTICIPATED TERMS, POST CONVICTION CREDITS (P.C. § 2931) CONCURRENT TERMS, LOSS OF POST CONVICTION CREDIT (P.C. § 2932). THE FEDERAL CASE, COUNT 1, PRESENTED AN AMBIGUOS RANGE THAT EXPOSED PETITIONER TO L.W.O.P. A TERM LONGER THAN THE 20 YEARS, AND THE COURTS (FEDERAL) WERE SENTENCING OTHER INMATES TO LONGER TERMS THAN THOSE INMATES THOUGHT THEY BARGAINED FOR, AND DESPITE ASSURANCE BY MR. POKORNY THAT HON. E.B. GILLIAM WOULD HONOR OUR DEAL BECAUSE HE (GILLIAM) WAS THE ONE WHO WANTED THE DEAL TO GET DONE, PETITIONER STILL REFUSED THE PLEA BARGAIN.

13.) ON OR ABOUT 5-5-90,
DURING A MEETING, AT M.C.C., MR. AINBINDER TOLD PETITIONER THAT MR. MILLER CONVEYED TO HIM, TO TELL PETITIONER, THAT PETITIONER "WOULD NOT SERVE ONE DAY ON THE MURDER" AND THAT THE PLEA AGREEMENTS CONCURRENT TIME, AND "MULTIJURISDICTIONAL STATUS" ENSURED THAT. PETITIONER DID NOT WANT A FIRST DEGREE MURDER CONVICTION ON HIS RECORD AND REQUESTED OTHER CHARGES.

14.) ON OR ABOUT THE NEXT DAY MR. AINBINDER SAID HE SPOKE TO D.D.A. MILLER AND MR. MILLER NEEDED THE FIRST DEGREE MURDER, TO "EFFECTUATE THE DEAL", AND MR. AINBINDER TOLD PETITIONER THAT THE DEAL WAS FOR TIME, THE CHARGE ITSELF DID NOT MATTER. Petitioner accepted the Statements as true.

15.) ON 5-8-90, AT THE FEDERAL COURT HOUSE, HONORABLE E.B. GILLIAM INDICATED ON THE RECORD, THAT PETITIONER SHOULD SERIOUSLY CONSIDER DISPOSING OF BOTH CASES BY PLEA OR PETITIONER COULD SPEND HIS NATURAL LIFE IN PRISON. PETITIONER UNDERSTOOD THIS TO MEAN YOUR GOING TO GET A L.W.O.P SENTENCE IF YOU DON'T RESOLVE THIS CASE BY PLEA. AFTER THE HEARING IN THE FEDERAL COURT HOUSE PETITIONER TOLD MR. POKORNY THAT HE "WOULD BE WILLING TO SERVE 20 YEARS IN CUSTODY" (i.e. PLEAD GUILTY) IF:

16.) FACTS — PETITIONER'S CONDITIONS

1. THAT ANYTIME [HE] RECEIVED IN THE STATE CASE WOULD BE CONCURRENT TO ANY TIME HE RECEIVED IN THE FEDERAL CASE. (BECAUSE PETITIONER DID NOT WANT TO SERVE ANY STATE TIME, AND ACCORDING TO THE D.D.A. CONCURRENT TIME ENSURED PETITIONER WOULD BE FREE AT THE EXPIRATION OF HIS FEDERAL SENTENCE).
2. THAT ANY TIME HE RECEIVED IN (BOTH CASES) WOULD BE SERVED IN FEDERAL CUSTODY ... (BECAUSE [HE] DID NOT WANT TO SERVE ANY TIME IN STATE PRISON)

3. THE STATE WOULD NOT FILE CHARGES AGAINST PETITIONER'S MOTHER OR AUNT. (BECAUSE THE D.D.A. MILLER HAD THREAT-END[illegible] TO PRESS CHARGES AGAINST THEM EARLIER.) THE

4. PLEA WOULD DISPOSE OF ALL CASES, IN BOTH JURISDICTIONS, e.g. NO MORE SUPERCEDING INDICTMENTS, NOR BEING CHARGED IN STATE COURT FOR COUNTS PETITIONER WAS CHARGED WITH IN FEDERAL COURT THAT WOULD BE DISMISSED, BASICLY NO NEW CASES, A GIMMICK PROSECUTORS WERE USING, TO GET CONSECUTIVE TERMS. (BECAUSE THE STATE AND FEDERAL PROSECUTORS WERE PROSECUTING DISMISSED CHARGES FROM ONE JURISDICTION (CAL.) UNDER THE OTHERS CO-JURISDICTION, AND VICE VERSA, TO THE DEMISE OF UNSOPHISTICATED DEFENDANTS. (LIKE ME.)

17.) MR. POKORNY SAID HE WOULD CONTACT ALL THE "OFFICERS OF THE COURT", MR. AINBINDER, MR. FERRARO (A.U.S.A.), MR. MILLER (D.D.A.) AND TELL THEM PETITIONERS CONDITIONS, HIS FEARS, AND HIS REASONS WHY.

18.) ON 5-8-90, MR. POKORNY SAID HE CONTACTED MR. AINBINDER, AND MR. AINBINDER and He, TOGETHER, THEY WOULD ALL, IRON OUT THE LOGISTICS, ("They All", refer's to Prosecutors TOO.)" to effectuate" the 20 Years in Custody agreement.

GUILTY PLEAS

19) (a) ON 5-9-90 IN THE STATE SUPERIOR COURT, IN THE COUNTY OF SAN DIEGO, LARRY AINBINDER INFORMED PETITIONER, THAT, HE, AND MR. POKORNY HAD ADVISED THE D.A., THE D.D.A., THE JUDGES HON. JESUS RODRIGUEZ (STATE) AND HON. EARL B. GILLIAM (FEDERAL), OF PETITIONERS CONDITIONS, FEARS AND REASONS FOR THE CHANGE OF PLEA; (b) AND FURTHER THAT ALL PARTIES AGREED TO PETITIONERS CONDITIONS, AND D.D.A. MILLER WAS GETTING THE PLEA AGREEMENT FORM AND THE MURDER MATRIX, SO THAT HE (D.D.A. MILLER) COULD SHOW PETITIONER THE TERMS PETITIONER WOULD BE EXPOSED TO IN CALIFORNIA'S FIRST DEGREE MURDER MATRIX, IN D.D.A. MILLERS OWN WORDS. (c) AFTER ABOUT 45 MINUTES, PETITIONER WAS TAKEN INTO COURT ROOM, # 9, AND SAT AT THE DEFENDANTS TABLE (NO JUDGE WAS PRESENT). (D) MR. AINBINDER BEGAN TO EXPLAIN THE DEAL IN FRONT OF D.D.A. MILLER. WHO NODDED IN AFFIRMATIVE AGREEMENT. (E) PETITIONER ASKED MR. MILLER DIRECTLY IF, THE MURDER MATRIX APPLIED TO MURDERS COMMITTED IN 1988, BECAUSE THE MATRIX PAGE INDICATED AFTER NOV. 8, 1978, (F) D.D.A. MILLER WOULD NOT ANSWER PETITIONER DIRECTLY AND ANSWERED TOWARDS LARRY AINBINDER "YES."

20.) PERPLEXED, PETITIONER ASKED D.D.A. MILLER DIRECTLY IF HE IN FACT TOLD LARRY AINBINDER THAT PETITIONER "WOULD NOT SERVE ONE DAY ON THE MURDER BECAUSE THE STATE SENTENCE WOULD EXPIRE BEFORE THE FEDERAL SENTENCE"? AGAIN, D.D.A. MILLER ANSWERED "YES," TO LARRY AINBINDER.

MAY BE SENSING PETITIONER'S TREPIDATION, LARRY AINBINDER SAID TO D.D.A. MILLER, JUST TALK TO HIM EVAN, WITH ALL THATS GOING ON, HE DOESN'T TRUST THE GOVERNMENT.

21) D.D.A. MILLER HESITANTLY CONFIRMED CONCURRENT TIME; MULTI-JURISDICTIONAL STATUS; HOW HE THOUGHT THAT THERE WAS EVIDENCE INDICATING TORTURE, INDICATING HE BELIEVED PETITIONERS TERM WOULD BE IN THE 30-31-32 YEAR MATRIX BOX.

22) LARRY AINBINDER RESPONDED BY STATING THERE IS NO EVIDENCE OF TORTURE, ALL EVIDENCE INDICATES THIS WAS AN ACCIDENT.

23) D.D.A. MILLER SAID "YOU WILL GET A TERM IN ONE OF THOSE BOXES" (IN THE MURDER MATRIX) AND WHATEVER TERM (PETITIONER RECEIVED) WILL "BE REDUCED BY POST-CONVICTION CREDIT BY 33%". FURTHER, D.D.A. MILLER SAID PETITIONER WOULD BE ELIGIBLE FOR EARLY RELEASE ON PAROLE, HE CROSSED OUT THE 48 MONTHS ON THE FORM AND WROTE 60 (MONTHS), STATING THAT PAROLE WAS NOT A CERTAINTY, BUT POSSIBLE AND THAT WAS UP TO THE PAROLE BOARD.

24) IN PETITIONERS MIND HE WOULD GET ABOUT A 28-29 YEAR TERM, REDUCE THAT BY CREDITS (33%) AND PAROLE OF 2 YEARS. THUS, HIS AND LARRY AINBINDERS CALCULATIONS WERE CLOSE ENOUGH TO BELIEVE THAT, PETITIONERS MURDER SENTENCE WOULD EXPIRE BEFORE THE FEDERAL SENTENCE, AND THE CUSTOM MADE PACKAGE DEAL "CONCURRENT TIME" provision, and or "multijurisdiction status", ENSURED it.

DEPUTY DISTRICT ATTORNEY'S REPRESENTATION

ON 5-9-90, IN SAN DIEGO COUNTY SUPERIOR COURT, BY DEPUTY DISTRICT ATTORNEY EVAN MILLER, AND WITNESSED AND AFFIRMED AS TRUE BY LARRY AINBINDER (ESQ.), PETITIONER'S COURT APPOINTED COUNSEL, EXPLAINED HOW PETITIONER WOULD BE FREE FROM PRISON AT THE EXPIRATION OF HIS FEDERAL SENTENCE:

HERE IS HOW THE PROCESS WAS EXPLAINED TO PETITIONER (D.D.A.) MR. MILLER SAID:

1. IN ABOUT 3 YEARS [Y]OU WILL GET A PHONE CALL FROM CALIFORNIA AUTHORITIES AT WHAT EVER INSTITUTION YOU MAY BE AT (WE PRESUMED LOMPOC OR LEAVENWORTH), BASICALLY TELLING YOU THAT YOU CAN EARN POST CONVICTION CREDIT 4 MONTHS OFF EACH YEAR IN CUSTODY. (PETITIONER DID NOT KNOW THIS WOULD BE A "MULTIJURISDICTION PRISONER DOCUMENTATION HEARING PURSUANT TO CCR TITLE 15 § 2369").

2. IN ABOUT 15 YEARS, YOU WILL GET ANOTHER PHONE CALL FROM CALIFORNIA PRISON OFFICIALS AT THE PRISON, TELLING YOU THAT YOU'LL BE SCHEDULED FOR A MULTIJURISDICTION PRISONER INITIAL PAROLE HEARING. PETITIONER WAS TOLD THE PAROLING AUTHORITIES WOULD CALCULATE HIS EARNED POST CONVICTION CREDITS AND APPLY THE CREDITS TOWARDS PETITIONER'S TERM. (PETITIONER WAS NOT TOLD THIS WAS THE HEARING WHERE THE BOARD WOULD EITHER:

A.) DISCHARGE PETITIONER'S CALIFORNIA SENTENCE PURSUANT TO CCR TITLE 15 § 2370 (d)(1). OR

B.) SET PETITIONER'S (INDETERMINATE) CALIFORNIA TERM PURSUANT TO TITLE 15 § 2370 (d)(2).

3. HE ALSO SAID BETWEEN 6 TO 18 MONTHS LATER YOU'LL RECEIVE THE DOCUMENTATION TELLING YOU YOUR CALIFORNIA TERM HAS EXPIRED.

THE D.D.A., MR. MILLER NOR COUNSEL EXPLAINED TO PETITIONER THAT THE LAW WAS BASED UPON CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 15, DIVISION 2, ARTICLE 10 FOUND IN SECTIONS 2368-2370. THEY DID NOT TEACH PETITIONER ENOUGH TECHNICAL INFORMATION TO ENSURE PETITIONER TRULY COMPREHENDED, THE SPECIFIC PORTION OF APPLICABLE LAW.

25.) ALTHOUGH PETITIONER SIGNED THE CHANGE OF PLEA FORM INDICATING HE UNDERSTOOD THE TERMS CONTAINED IN THE FORM. IN ALL HONESTY HE DID NOT KNOW:

1. FIRST DEGREE MURDER CARRIED AN INDETERMINATE TERM;
2.(A) THAT THE PROVISION SUGGESTING A 60 MONTH PERIOD OF PAROLE WAS NOT AN EARLY RELEASE (AS FEDERAL LAW STATES);
2.(B) HE DID NOT KNOW THAT PAROLE IN CALIFORNIA WAS A PENAL CONSEQUENCE AND ACCORDING TO C.D.C.R. AND POSSIBLY STATUTE THE APPROPRIATE PAROLE PERIOD IS FOR THE REMAINDER OF PETITIONERS LIFE. (P.C. § 3000.1) NOW, SUBJECTING PETITIONER TO A LIFE TIME OF CONDITIONAL RELEASE.
3. THAT THE TERM PETITIONER OBSERVED WITHIN THE FIRST DEGREE MURDER MATRIX, THAT HE PRESUMABLY BARGAINED FOR, WAS (maybe) CONTINGENT UPON A FINDING OF "PAROLE SUITABILITY".
4. THAT THE CONCURRENT SENTENCE PROVISION MAY NOT ENSURE HIS FREEDOM AT THE EXPIRATION OF HIS FEDERAL SENTENCE.

PETITIONER DID NOT AGREE TO SERVE AN INDETERMINATE SENTENCE, NOR DID HE AGREE TO SERVE A LIFE SENTENCE WITH A MINIMUM TERM OF 25 YEARS, AS C.D.C.R. NOW CLAIMS OR SUGGESTS.

26.) PETITIONER DID NOT AGREE TO SERVE A PENAL CONSEQUENCE, MERELY CALLED "PAROLE", FOR 5 YEARS, NOR DID HE AGREE TO SPEND THE REST OF HIS LIFE ON, THE SUPERVISED RELEASE CALLED, PAROLE.

27.) PETITIONER DID NOT AGREE TO HAVE HIS PRESCRIBED TERM OF IMPRISONMENT, CONDITIONED, UPON A PAROLE BOARDS "FINDING HIM SUITABLE FOR PAROLE" AS A LIFE TERM PRISONER OR AN INDETERMINATE SENTENCED PRISONER "CONSIDERED" A LIFE TERM PRISONER. (WHICH IN EFFECT IS THE SAME SITUATION)

28.) PETITIONER DID NOT AGREE TO HAVE HIS FEDERAL SENTENCE TO RUN CONCURRENT TO HIS STATE SENTENCE, or UP TO A POINT IN TIME, WHERE HE WOULD THEN GO TO STATE PRISON.

PREJUDICE

29.) PETITIONER WOULD NOT HAVE PLEADED GUILTY TO THE CHARGES HAD HE KNOWN OF ANY, ONE, OF THE ABOVE MENTIONED CONDITIONS, FACTS, MISREPRESENTATIONS OR OMISSIONS.

30.) IN GROUND 1 PETITIONER SEEKS TO ENFORCE THE TERMS, HE SUBJECTIVELY BARGAINED FOR i.e. SPECIFIC PERFORMANCE. BECAUSE THE STATE, MISADVISED, OMITTED, AND MISREPRESENTED THE TERMS, PROMISES, CONDITIONS AND AMBIGUITIES THAT THE STATE CREATED, IN ORDER TO OBTAIN PETITIONERS GUILTY PLEA. PETITIONER SHOULD NOT NOW BE SUBJECTED TO THOSE PREJUDICIAL CONDITIONS, OMISSIONS, MISREPRESENTATIONS ETC. THAT ARE NOW BEING USED TO KEEP HIM IN CUSTODY FOR LONGER THAN HE AGREED TO SERVE, AND POSSIBLY FOR THE REST OF HIS NATURAL LIFE, WHICH FRUSTRATES THE PURPOSE OF THE PLEA.

31.) ALTERNATIVELY, SHOULD THE COURT REFUSE TO ALLOW PETITIONER TO ENFORCE THE TERMS THAT HE BARGAINED FOR THEN PETITIONER SEEKS RECISSION OF THE CONTRACTS, BECAUSE THE OMISSIONS (e.g. THE PREREQUISITE OF "FINDING PETITIONER SUITABLE FOR PAROLE" PRIOR TO DETERMINING HIS PRESCRIBED TERM OF PUNISHMENT OR CALCULATING HIS POST CONVICTION CREDITS, IS REDICULOUS.) AND, ARE UNACCEPTABLE CONDITIONS THAT FRUSTRATE THE PURPOSE OF THE PLEA BARGAIN (i.e. LIFETIME INCARCERATION). (Cal. Civ. Code §§ 3390, 3391)

32.) PETITIONER DID NOT PLEAD TO SERVE A LIFE SENTENCE, HE DID NOT PLEAD GUILTY FOR THE MERE HOPE OF RELEASE OR TO BE CONSIDERED FOR PAROLE RELEASE AT AGE 40. HE PLEADED GUILTY TO BE RELEASED FROM INCARCERATION AT THE AGE OF 40!

33.) THUS, ON 5-9-1990, PETITIONER PERFORMED AS THE PROSECUTIONS DEMANDED. IN GOOD FAITH PETITIONER PLEADED GUILTY IN BOTH STATE COURT IN FRONT OF HON. JESUS RODRIGUEZ AND IN FEDERAL DISTRICT COURT (SOUTHERN DISTRICT) IN FRONT OF HON. EARL B. GILLIAM. PETITIONER BELIEVED HE WOULD BE RELEASED FROM CUSTODY BETWEEN 2007-2008.

34.) ON 5-9-90, AFTER PETITIONER SIGNED THE CONTRACT/INSTRUMENT/FORM, D.D.A. MILLER AND LARRY AINBINDER WENT TOGETHER TO GET HON. JESUS RODRIGUEZ, SAN DIEGO COUNTY, SUPERIOR COURT JUDGE FOR THE FORMAL CHANGE OF PLEA PROCEEDINGS, AND TO CALL MR. POKORNY AND D.T. FERRARO (A.U.S.A.) AND GET THE FEDERAL JUDGE HONORABLE EARL B. GILLIAM TO SCHEDULE THE FORMAL CHANGE OF PLEA HEARING FOR THAT SAME DAY.

35.) ACCORDING TO LARRY AINBINDER, EVERYONE WAS READY TO PROCEED AND AFTER THE STATES FORMAL PROCEEDING THE U.S. MARSHALS WOULD TAKE PETITIONER DIRECTLY TO THE SOUTHERN DISTRICT FEDERAL COURT AND PETITIONER WOULD HAVE TO PLEAD GUILTY THERE TOO.

36.) THE JUDGE HON. JESUS RODRIGUEZ, PERFORMED THE CHANGE OF PLEA PROCEEDINGS, CLAIMED HE UNDERSTOOD PETITIONERS CONDITIONS AND PROSECUTIONS PROMISES, READ ME SOME CONSTITUTIONAL TRIAL RIGHTS, BASICLY READ THE FORM, AND PETITIONER PLEAD GUILTY, THE JUDGE FOUND PETITIONER GUILTY. (See change of plea form, incorporated herein, annexed as exhibit A)

37.) EVERYONE EXCEPT BALIFF AND STAFF LEFT THE COURTROOM, PETITIONER SAT IN THE COURTROOM HOLDING ROOM, ALONE AND CRIED, BECAUSE HE WOULD BE IN PRISON FOR 20 YEARS, WHICH WAS LONGER THAN HIS EARLIEST MEMORY IN LIFE.

38.) ON 5-9-90, 30 MINUTES LATER, THE U.S. MARSHALS CAME, HAND CUFFED PETITIONER AND TOOK HIM DIRECTLY TO THE FEDERAL COURTROOM, WHERE ALL THE FEDERAL AND STATE LAWYERS AND HONORABLE EARL B. GILLIAM WERE WAITING, FOR PETITIONER, TO PROCEED IN THE CHANGE OF PLEA HEARING IN PETITIONERS FEDERAL CASE.

IN FEDERAL COURT ON 5-9-90

39.) AS INDICATED BY LARRY AINBINDER, EVERYONE, THE LAWYERS, THE JUDGE, PROSECUTOR APPEARED TO BE READY TO PROCEED, PETITIONER CONSULTED WITH MR. J. POKORNY AND HE ASSURED PETITIONER AGAIN THAT EVERYONE WAS FULLY APPRAISED OF THE PACKAGE DEALS TERMS / CONDITIONS, ON THE FEDERAL SIDE.

40.) PETITIONER SIGNED THE PLEA BARGAIN FORM (THAT ERRONEOUSLY ADVISED EVERYONE THAT PETITIONER FACED L.W.O.P. FOR COUNT ONE) AND WAS FORMALLY ADVISED BY A JUDGE OR MAGISTRATE THAT PETITIONER COULD BE SENTENCED TO LIFE FOR COUNT ONE OF THE INDICTMENT, 88-0769-G-CRIMINAL.

41) PETITIONER HESITATED AND MR. POKORNY ADVISED HIM THAT THE COLLAQUAY WAS A FORMALITY AND TO TRUST HIM.

42) PETITIONER PLEADED GUILTY AS INSTRUCTED IN GOOD FAITH.

43.) HONORABLE EARL B. GILLIAM, STATED ON THE RECORD THAT HIS UNDERSTANDING OF THE PLEA BARGAIN IN STATE AND FEDERAL CASES WERE DEPENDANT UPON EACH OTHER AND INQUIRED INTO THE TERMS AND PROMISES THAT OCCURED IN THE STATE COURT AND BOTH JIM POKORNY AND LARRY AINBINDER BRIEFLY SPOKE OF THE CONDITIONS AND SO DID D. THOMAS FERRARO (A.U.S.A.). THE TERMS OF THE STATES PLEA AGREEMENT WERE BASICALLY STATED ON THE RECORD, THAT ANY TIME PETITIONER RECEIVED IN STATE COURT WOULD BE RUN CONCURRENT TO ANY TIME PETITIONER RECEIVED IN FEDERAL COURT. AND SINCE PETITIONER WAS A "FEDERAL PRISONER AND WOULD REMAIN A FEDERAL PRISONER," HONORABLE EARL B. GILLIAM "WOULD SENTENCE (PETITIONER) UNDER FEDERAL LAW," THESE TRANSCRIPTS ARE IN THE RECORD. (Please see federal guilty plea transcripts, incorporated herein and annexed hereto as exhibit___)

PETITIONERS REASONABLE BELIEF

44.) ON 5-9-90, AFTER ALL WAS SAID AND DONE, PETITIONER BELIEVED THE FOLLOWING: (FEDERAL CASE 88-0769-G-CRIMINAL).

A.) ALTHOUGH FORWARNED HE COULD RECEIVE A LIFE SENTENCE IN COUNT ONE, THE JUDGE WOULD HONOR THE PACKAGE DEAL, And PETITIONER WOULD RECEIVE 219 MONTHS; FOR COUNT TEN HE WOULD RECEIVE 120 MONTHS, RUN CONCURRENT, WHICH MEANT THAT, HE WOULD NOT SERVE ONE DAY ON THAT CONVICTION, BECAUSE PRESUMABLY PETITIONER WOULD RECEIVE A LONGER SENTENCE FOR COUNT 1. THUS, IT WOULD DEFY LOGIC TO PRESUME COUNT 10 WOULD BE A LONGER PERIOD OF CONFINEMENT, AND HE WOULD, RECEIVE 60 MONTHS for count 13, run consecutive, for a TOTAL OF 279 MONTHS.

B.) FURTHER, PETITIONER BELIEVED HE WOULD EARN 15% POST CONVICTION CREDIT TO REDUCE THAT 279 MONTHS.

PETITIONER CONCLUDED THAT THIS WOULD GET HIM OUT OF PRISON AT 20 YEARS. THUS, EFFECTUATING THE 20 YEARS IN CUSTODY HE AGREED TO SERVE. THIS WAS THE WAY JIM POKORNY EXPLAINED THE EFFECTUATION PROCESS.

45.) IN STATE CASE FOR FIRST DEGREE MURDER, PETITIONER THOUGHT HE WOULD RECEIVE A 28 TO 29 YEAR TERM, NOT AN INDETERMINATE SENTENCE. FURTHER, HE BELIEVED HE WOULD REDUCE THAT TERM BY 33% FOR A PERIOD OF INCARCERATION AT 19 YEARS AND A FEW MONTHS AND HE WOULD BE ELIGIBLE FOR PAROLE FOR UP TO 60 MONTHS ON ANY TERM HE ULTIMATELY RECEIVED. THIS IS HOW PETITIONER Understood THE PLEA AGREEMENT AT THE MOMENT HE SIGNED WHAT HE CONSIDERED THE CONTRACT OR INSTRUMENT.

46.) AS INCREDIBLE AS THAT MIGHT SOUND TO AN EXPERIENCED JURIS, AN OBJECTIVE REVIEW OF THE CODES, THE RECORDS, LEGISLATIVE HISTORY, D.S.L., INSTRUMENT AND MANY MORE REASONS, WOULD JUSTIFY PETITIONERS BELIEF.

47.) REGUARDLESS, OF PETITIONERS MISUNDERSTANDING THE FACTS (OR MISINTERPRETATION OF THE STATUTE BY THE CALIFORNIA COURTS OR EXECUTIVE BRANCH) OR THE LAWS OF CALIFORNIA, HE REASONABLY BELIEVED HE WOULD BE RELEASED FROM CUSTODY AT THE EXPIRATION OF HIS FEDERAL SENTENCE BECAUSE,

48.) NO MATTER HOW MUCH TIME PETITIONER WOULD RECEIVE IN STATE COURT WOULD BE CONCURRENT TO WHATEVER TIME HE RECEIVED IN THE FEDERAL COURT, [illegible]

49.) PETITIONER BELIEVED THE STATE SENTENCE WOULD EITHER BE:

1. SHORTER THAN THE FEDERAL SENTENCE; (19 YEARS ACCORDING TO LARRY AINBINDER; 20 BY MR. POKORNY)

2. EQUAL TO THE FEDERAL SENTENCE WITH POST CONVICTION CREDIT; OR

3. THEY USED THE PROMISED "CONCURRENT TIME" PROVISION TO CONTAIN THE LENGTH OF AN INDETERMINATE SENTENCE TO EFFECTUATE THE UNDERLYING AGREEMENT.

4. PETITIONER'S 'MULTIJURISDICTIONAL' STATUS AS DEFINED PURSUANT TO CALIFORNIA'S RULES AND REGULATIONS, TITLE 15, DIVISION 2, CHAPTER 1-3, SECTION 2000 (68). REQUIRED THE BOARD TO EITHER: "DISCHARGE" PETITIONER AT HIS INITIAL PAROLE HEARING PURSUANT TO TITLE 15 § 2730 (d)(1), OR "SET the Term" § 2730 (d)(2) WITHIN THIS CHAPTER, WHICH WOULD BE THE FIRST DEGREE MURDER MATRIX FOUND IN TITLE 15 § 2204.

WHICH THE BOARD FAILED TO DO, AS CLEARLY ESTABLISHED POLICY AND DUE PROCESS REQUIRED.

5. THEY BELIEVED THAT THE ORDER OF CALIFORNIA SUPREME COURT PURSUANT TO IN RE RODRIGUEZ, (1975) 14 CAL. 3d 639, 653-54 N. 18, REQUIRING THE AUTHORITY TO PROMPTLY FIX A "PRIMARY TERM", TERM BASED SOLELY UPON THE CONVICTED OFFENSE AND REGUARDLESS OF PAROLE SUITIBILITY, WITHIN 120 DAYS OF RECEPTION INTO THE DEPARTMENT. (AS PETITIONERS COUNSELOR LARRY AINBINDER TOLD PETITIONER ON 1-10-91, AFTER SENTENCING.) AND THE DEPARTMENT DID, ON 2-26-91, AND SET THE TERM AT 25 YEARS. (see exhibit N incorporated herein and attached hereto)

50.) PETITIONER WAS (AND IS) NO LAWYER, HE DID NOT DRAFT THE EFFECTUATING INSTRUMENT HE CAN ONLY ATTEMPT TO UNDERSTAND WHY HIS COUNSEL, THE STATES D.D.A. AND THE JUDGE WOULD BELIEVE THAT AN INDETERMINATE SENTENCE COULD REALISTICLY EFFECTUATE PETITIONERS CONDITIONS, UNLESS THEY ALL BELIEVED THAT THE 25 YEARS TO LIFE, PURSUANT TO P.C. § 190 WAS IN FACT A TRUE (I.S.L.) INDETERMINATE SENTENCE, AS THE 60 MONTH PAROLE PERIOD SUGGESTS.. (P.C. § 3000) NOTWITHSTANDING THE FACT THAT CALIFORNIA DOES NOT HAVE THE OPERATIONAL MECHANICAL STATUTES TO OPERATE AN INDETERMINATE SENTENCING SCHEME. (FORMER P.C. §§ 3020-25; 671; 2920 ET. SEQ.; 2940 ET. SEQ., ETC.) WITHOUT THE STATUTORY UNDERPINNINGS TO SUPPORT THE ANTIQUATED DECISSIONAL OPINIONS, HOW DOES CALIFORNIA VALIDLY OPERATE SUCH A SPECIES INTELLIGIBILIS ?

PETITIONER DID NOT DISCOVER THAT THE STATE WOULD ACTUALLY BREACH THE TERMS OF PETITIONERS PLEA AGREEMENT UNTIL JULY OF 2005. WHEN THE PAROLE BOARD DECISSION May be FINAL[1], DENYING HIM PAROLE CONSIDERATION FOR 5 YEARS WHICH WOULD MEAN PETITIONER WOULD BE INCARCERATED BEYOND NOT ONLY THE 25 YEAR DETERMINATE TERM THE STATE COMPUTATED IF PETITIONER WOULD WORK; BUT ALSO LONGER THAN THE FEDERAL TERM; And matrix term; too! PETITIONERS PETITION IS NOT ONLY TIMELY, TECHNICLY IT IS EARLY, BECAUSE TECHNICLY PETITIONERS FEDERAL TERM HAS NOT EXPIRED, and this court has the power to remedy this controversy before the actual injury occurs.

FN 1) Petitioner did not receive a multijurisdiction prisoner Initial Parole hearing; appropriate Notice, decission (proposed), review, or appeal response. (see title 15, §§ 2000 (68)(70 Now), 2368-70(d); 2040 et seq.)

52.) C.D.C. TOLD PETITIONER, AT RECEPTION CENTER ON 2-26-91, THAT HE HAD A DETERMINATE 25 YEAR TERM, WITH A "RELEASE DATE" ANTICIPATED AT 8-2-2005. ; IN 2006 THE CAL. SUPREME COURT APPEARED TO SUGGEST THE TERM WAS TRUE, NOT THE "LIFE TERM" C.D.C.R. WAS INDICATING IN 2003.

53.) prayer for relief

1. PETITIONER SEEKS TO ENFORCE THE TERMS, PROVISIONS, PROMISES THAT INDURED HIS GUILTY PLEAS, OR RECISSION OF THE CONTRACT, BECAUSE IT WAS INDUCED UPON UNFULLFILLABLE PROMISES.

2. PETITIONER SEEKS A CONTRACTUAL INTERPRETATION OF HIS PLEA AGREEMENTS TO RESOLVE THE AMBIGUITIES AND SETTLE THIS CONFLICT.

3. PETITIONER SEEKS HIS TRANSFER FROM THE CUSTODY OF THE DIRECTOR OF CORRECTIONS, OR WARDEN OF SOLANO STATE PRISON, TO THE CUSTODY OF THE FEDERAL AUTHORITIES IN ORDER THAT HE MAY SERVE HIS SENTENCE UNDER HIS FEDERAL JUDGEMENT OF CONVICTION AND THEREBY GAIN THE BENEFIT OF THE PROVISIONS OF HIS GUILTY PLEA.

54.) IT IS WELL ESTABLISHED, THAT HABEAS CORPUS IS THE PROPER MECHANISM TO ENFORCE THE TERMS OF A BROKEN PLEA AGREEMENT; SECURE CONFINEMENT UNDER THE PROPER AUTHORITY; AND FREE PETITIONER FROM THE ILLEGALITY OF RESTRAINT; AND ULTIMATELY DETERMINE FACTUAL ISSUES NOT CONTAINED ON THE RECORD DURING PLEA BARGAINING.

VERIFICATION

55.) I, MARTIN E. WALTERS, PRISONER AND PETITIONER UNDER THE PENALTY OF PERJURY SWEAR ON MY SOLMN OATH THAT THE ABOVE MENTION FACTS CONTAINED HEREIN ARE TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE;

[signature]

Executed on: 10-10-2007

MARTIN Walters

EXHIBIT COVER PAGE:

Exhibit: B

Description of this exhibit: State plea agreement form (2) pages and encoded Legal Status Sheet

Number of pages of this exhibit: 3 pages

JURISDICTION: (Check only one)

____ Municipal Court

____ Superior Court

____ Appellate Court

____ State Supreme Court

__X__ United States District Court

____ United States Circuit Court

____ United States Supreme Court

____ California Department of Corrections, 602 Exhibit.

____ Other: ________________________________

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO F I L E D

KENNETH E. MARTONE Clerk of the Superior Court

0253

People vs. Martin Walters CR No. 103749 MAY -9 1990

DA No. B 46516 By: A. PECK, Deputy

PLEA OF GUILTY/NO CONTEST - FELONY

The defendant in the above-entitled action, in support of his/her motion to change his/her plea(s) in open Court, personally and by his/her attorney, does declare as follows:

1. Of those charges now filed against me in this case, I plead guilty (Guilty) No Contest to the following violations: (List Crimes and Code Sections) [MW]

P.C. § 187 Murder, 1st degree (Count 8) Amended Information

1a. **(If Applicable)** I also admit the following enhancement(s)/prior conviction(s) with which I am charged: (List Court, Docket No. and Date of any Prior Conviction) [crossed out]

N/A

2. I have not been induced to enter the above plea by any promise or representation of any kind, except: (Briefly state any agreement with the District Attorney.) [MW]

Dismiss all remaining counts + allegations; D.A. has no opposition to serving sentence in federal custody; concurrent to federal sentence in 87-0769 G; DA agrees to file no charges against either Martha Walters or Carmen Fonseca (Martin Walter's mother and aunt); Dismiss the companion drug case

RIGHT TO A LAYWER

3. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer, or the Court will appoint a lawyer for me if I cannot afford one. [MW]

CONSTITUTIONAL RIGHTS

I understand that I also have the following constitutional rights, which I now give up to plead either Guilty/No Contest:

	I understand this right.	I give up this right.
4. The right to be tried by a jury, in a speedy, public trial.	MW	MW
5. The right to confront and to cross-examine all the witnesses against me.	MW	MW
6. The right to remain silent (unless I choose to testify on my own behalf).	MW	MW
7. The right to present evidence and to have witnesses subpoenaed to testify in my behalf at no cost to me.	MW	MW

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

8a. I understand that I may receive this maximum penalty as a result of my plea: 25 yrs to life years in State Prison, $ 10,000 fine and ~~48~~ 60 months parole, with up to one year return to prison for every parole violation. If I should receive probation (for up to five years), I understand that I may be given up to a year in local custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any terms or conditions of probation I can be sent to State Prison for the maximum term as stated above. [MW]

8b. My attorney has explained to me that other possible consequences of this plea may be: [MW]
(Circle applicable consequences.)

(a) Consecutive sentences.
(b) Loss of driving privileges.
(c) Commitment to the Youth Authority.
(d) Registration as a sex offender.
(e) Registration as an arsonist.
(f) Ineligibility for probation/presumptive prison. [circled]
(g) Registration as a narcotics offender.
(h) Restitution and/or a restitution fine. ($100-$10,000) [circled]
(i) Serious felony prior/prison prior. [circled]
(j) Priorable [circled]

9. I understand that if I am not a citizen of the United States a plea of Guilty or No Contest could result in deporation, exclusion from admission to this country, and/or denial of naturalization. N/A [crossed out]

10. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation or parole in other cases. N/A [crossed out]

47

11. I now plead guilty (Guilty / No Contest) to the charges(s) described in #1 above and admit that on the date charged I: (Describe facts as to each charge in #1.) | MW |

~~[illegible]~~
lawfully murdered Christine Reyes, I alone, my brother Vincent did 0254
aid or assist in any way with her death

11a. **(If Applicable)** I understand that as to any and all prior convictions(s)/enhancements(s) alleged against me in this case, I have all the constitutional rights listed in #3-#7 above. As to any prior convictions alleged, I understand that if I request a jury trial on the current case, the jury would not learn of or decide, the prior conviction(s) unless and until the jury found me guilty on the current charges. N/A

11b. **(If Applicable)** I herby admit the prior conviction(s)/enhancement(s) listed in this form, and give up my constitutional rights, including the right to separate jury determination on the issue of the prior conviction(s). N/A

12. I do understand that the matter of probation and sentence is to be determined solely by the Court. | MW |

13. **(Harvey Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. | MW |

14. I am entering my plea freely and voluntarily, without threat or fear to me or anyone closely related to me. | MW |

15a. I am pleading Guilty because in truth and in fact I AM GUILTY | MW |

15b. I understand that a plea of No Contest is the same as a plea of Guilty in this criminal case and for all purposes has the same consequences as a plea of Guilty. N/A

16. I am now sober. I have not consumed any drug, alcohol or narcotic within the past 24 hours to the extent that my judgment is impaired. | MW |

17. I declare under penalty of perjury, under the laws of the State of California, that I have read, understood, and initialed each item above, and everything on the form is true and correct. | MW |

Dated: 5-9-90 Defendant's Signature Martin Walters

Defendant's Address ______ Street ______ City ______ State ______ ZIP

Defendant's Telephone No. ( ) - ______

ATTORNEY'S STATEMENT

The undersigned states that (s)he is the attorney for defendant in the above-entitled action; that (s)he personally read and explained the contents of the above declaration to the defendant and each item thereof; that no meritorious defense exists to the charge(s) to which defendant is pleading Guilty/No Contest; that (s)he personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge explanation of the contents of each item; that (s)he observed defendant date and sign said declaration; that (s)he concurs in defendant's above plea and in defendant's waiver of constitutional rights.

Dated: 5-9-90 Larry A Imbriale (signature)
Attorney for Defendant

INTERPRETER'S STATEMENT (If Applicable)

I, the interpreter in this proceeding, having been duly sworn, truly translated this form and all the questions therein to the defendant in the ______ language. The defendant indicated that (s)he understood the contents of the form and (s)he then initialed and signed the form.

Dated: ______ ______
Court Interpreter

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff in the above-entitled criminal action, by and through its attorney, EDWIN L. MILLER, JR., District Attorney, concurs in the defendant's plea of Guilty/No Contest as set forth above.

Dated: 5.9.90 Evan Miller (signature)
Deputy District Attorney

COURT'S FINDINGS AND ORDER

The Court, having questioned the defendant concerning the defendant's constitutional rights, finds that defendant has voluntarily and intelligently waived his/her constitutional rights. The Court finds that defendant's pleas and admissions are freely and voluntarily made, that defendant understands the nature of the charges and the consequences of the plea, and that there is a factual basis for the plea. The Court accepts defendant's plea, and the defendant is hereby convicted on his plea.

Dated: 5/9/90 (signature)
Judge of the Superior Court

INMATE COPY

LEGAL STATUS SUMMARY TYPE- D CSP-S 11/23/2005 2[illegible]:[illegible]

CDC NUMBER	NAME	ETHNIC	BIRTHDATE
E86183	WALTERS,MARTIN,EDWARD	WHI	02/13/1968

TERM STARTS	LIFE TERM STARTS	MIN ELIGIBLE PAROLE DTE
02/21/1991	02/21/1991	09/01/2005

BASE TERM 25/00 + ENHCMNTS 0/00 = TOT TERM 25/00 TO LIFE | PAROLE PERIOD LIFE

PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
CR103749	771					385		41	1197

PC296 DNA COMPLETED
NOTIFICATION REQUIRED PER PC3058.6

DOC. HEARING: / DEFENSE ATTORNEY: AINBINDER,L
INIT. HEARING: / INVESTIGATING AGENCY: SDSO

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE DESCRIPTION	SENTENCE DATE	CREDIT CODE	OFFENSE DATE

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE DESCRIPTION	SENTENCE DATE	CREDIT CODE	OFFENSE DATE
2/21/1991	SD	CR103749	1/10/1991		
08	P187	MURDER 1ST		32	09/28/1989

TRAN TYPE	DATE	END DATE	LOG NUMBER	RULE NUMBER	DAYS ASSESS	DAYS LOST	DAYS REST	DAYS DEAD
BEG	02/21/1991		******BEG BAL*******					
BCL	08/23/1996		96080019	3041B	30	30		
ADD	02/21/1991		CR103749					
ADD	02/21/1991		CR103749					
ADD	02/21/1991		CR103749					
BCR	0[illegible]/0[illegible]/1999		96080019	3041			30	
ADD	02/21/1991		CR103749					
BCL	02/27/1999		99FB0263R	3006	20	30		
ADD	02/21/1991		CR103749					
BCR	09/08/1999		99FB0263R	3006			30	
ADD	02/21/1991		CR103749					
ADD	02/21/1991		CR103749					
ADD	02/21/1991		CR103749					
[illegible]	03/2[illegible]/[illegible]		98FB08063	3170G	20	30		

CURRENT PC BALANCE: 650 : CURRENT 2C BALANCE: 1948

49

EXHIBIT COVER PAGE:

Exhibit: C

Description of this exhibit: plea withdrawal Hearing and sentencing minutes for state CASE. "Amended minutes"

Number of pages of this exhibit: 1 pages

JURISDICTION: (Check only one)

____ Municipal Court

____ Superior Court

____ Appellate Court

____ State Supreme Court

_Y_ United States District Court

____ United States Circuit Court

____ United States Supreme Court

____ California Department of Corrections, 602 Exhibit.

____ Other: ____________________

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CR 103749 DA B4651602 AMENDED MINUTES

DATE 01-10-91 AT 10:00 A. M PROB HEARING-SENTENCING/PLEA WITHDRAWAL HEARING

PRESENT: HON. JESUS RODRIGUEZ JUDGE PRESIDING DEPARTMENT 009

CLERK MAUREEN COLAHAN REPORTER YVONNE MORENO

THE PEOPLE OF THE STATE OF CALIFORNIA
VS

E. MILLER ✓ S. RUNNING CLI ✓
DEPUTY DISTRICT ATTORNEY

WALTERS MARTIN E

L. AINBINDER ✓ PUB DEF
ATTORNEY FOR DEFENDANT (APPT'D/RETAINED)

DEFENDANT

VIOLATION OF PC187(A)

DEFENDANT ☒ ~~NOT~~ PRESENT ☐ ARRAIGNED FOR JUDGMENT ☐ WAIVES ARRAIGNMENT
☐ DEFENDANT ADVISED OF RIGHTS AND (ADMITS/DENIES) A VIOLATION OF PROBATION. ☐ WAIVES HEARING
PROBATION IS: ☐ **DENIED** ☐ **REVOKED** ☐ **REINSTATED** ☐ **CONTINUED** ☐ **MODIFIED** ☐ **GRANTED** ____ **YEARS (FORMAL/SUMMARY)**

PROBATION

☐ IMPOSITION OF SENTENCE IS SUSPENDED. ☐ DEFENDANT SENTENCED TO STATE PRISON, EXECUTION SUSPENDED (SEE BELOW FOR TERM).
CONDITIONS OF PROBATION INCLUDE, BUT ARE NOT LIMITED TO:
☐ COMMITMENT TO SHERIFF FOR ____ DAYS. ☐ ADULT INSTITUTIONS RECOMMENDED. ☐ PAROLE NOT TO BE GRANTED.
☐ FINE OF $ ____ INCLUDING PENALTY ASSESSMENT AT $ ____ PER MONTH, COMMENCING ____ THROUGH REVENUE AND RECOVERY.
☐ RESTITUTION OF $ ____ TO VICTIM/RESTITUTION FUND AT $ ____ PER MONTH, COMMENCING ____ THROUGH REVENUE AND RECOVERY.
XX RESTITUTION/FINE OF $ 5000 PER GC 13967, XXXXXXXXXXXXXXXXXX per PC2085.5
☐ PARTICIPATION IN COMMUNITY SERVICES PROGRAM IN LIEU OF RESTITUTION.
☐ FOURTH AMENDMENT WAIVER OF PERSON/AUTO/RESIDENCE/PERSONAL EFFECTS. 25 Years to Life
☐ REGISTRATION PER PC 290/H&S 11590. ☐ TEST PER PC 290.2

STATE COMMIT

XX DEFENDANT IS COMMITTED TO DEPARTMENT OF CORRECTIONS FOR LOWER/MIDDLE/UPPER TERM OF ____ YEARS.
(SEE BELOW FOR ADDITIONAL COUNTS) COUNT 8
☐ DEFENDANT IS COMMITTED TO CALIFORNIA YOUTH AUTHORITY. ☐ PER W&I 707.2 ☐ PER W&I 1737
(SEE BELOW FOR FINDINGS)
☐ DEFENDANT IS ADVISED OF APPEAL RIGHTS ☐ DEFENDANT IS ADVISED REGARDING PAROLE

CREDIT FOR TIME SERVED
771 DAYS LOCAL
385 DAYS STATE INST.
____ DAYS PC 4019
1156 TOTAL DAYS CREDIT

CUSTODY STATUS

DEFENDANT REMAINS AT LIBERTY:
☐ ON BOND POSTED $ ____
☐ ON OWN RECOGNIZANCE
☐ ON PROBATION

DEFENDANT REMANDED TO CUSTODY:
☒ WITHOUT BAIL
☐ WITH BAIL SET AT $ ____

☐ **DEFENDANT ORDERED RELEASED FROM CUSTODY**

FUTURE HRNGS

☐ DEFENDANT WAIVES STATUTORY TIME FOR PRONOUNCEMENT OF JUDGMENT
____ CONTINUED TO/SET FOR ____ AT ____ M IN DEPT. ____ ON MOTION OF COURT/DDA/DEFENDANT/PROBATION OFFICER. REASON:
☐ DEFENDANT REFERRED FOR DIAGNOSTIC EVALUATION PER PC 1203.03. FURTHER HEARING SET FOR ____ AT ____ M IN DEPT. ____

BONDS WRRNTS

☐ BENCH WARRANT TO ISSUE, BAIL SET AT $ ____ . SERVICE WITHHELD TO ____ .
☐ BENCH WARRANT, ISSUED ____ IS RECALLED.
☐ BOND FORFEITED. BOND AMOUNT ____ . BOND NO. ____ . BOND COMPANY ____ . AGENT ____
☐ BOND IS EXONERATED.

MH

☐ PROCEEDINGS SUSPENDED PER: ☐ PC 1368, MENTAL COMPETENCY. **(SEE BELOW FOR DATES OF EXAMINATION AND HEARING.)**
☐ W&I 3051 ADDICTION OR DANGER OF ADDICTION. **(SEE BELOW FOR DATE OF SERVICE OF PETITION AND ORDER.)**

OTHER: ☐ REFERRED TO DEPT. OF REVENUE AND RECOVERY ☐ REPORT TO REGISTRAR OF VOTERS ☐ DMV ABSTRACT

Plea Withdrawal Hearing - Court receives Copy of Plea Agreement Federal Court dated 5-9-90 as Court Exhibit 1, Copy of Supplemental Transcript of Proceedings Federal Court dated 5-8-90 as Court Exhibit 2, Copy of Pages 25-30 of Federal Case 88-0769 Transcript dated 5-9-90, as Court Exhibit 3. The Court denies the defendant's motion for withdrawal of guilty plea.

Probation Hearing & Sentencing - Restitution of $3,629.00 to the victims listed in the Probation Report per GC13967(c). This judgment to be executed on 1-18-91 or after the sentencing in Federal Case 88-0769G. Concurrent to the Federal Case. Committment to be served in Federal Institution.

EXHIBIT COVER PAGE:

Exhibit: N

Description of this exhibit: Reception center, 2-21-91, set term at 25 YEArs (determinate) and agreed to reduce time in confinement for good behavior and participation. Release Date 8-2-05

Number of pages of this exhibit: 1 pages

JURISDICTION: (Check only one)

_____ Municipal Court

_____ Superior Court

_____ Appellate Court

_____ State Supreme Court

_____ United States District Court

_____ United States Circuit Court

_____ United States Supreme Court

_____ California Department of Corrections, 602 Exhibit.

_____ Other: ______________________

TATE OF CALIFORNIA
REDIT/TERM COMPUTATION

. MAXIMUM DSL DATE

1. 2-21-91 + 25 yrs. = 2-21-2016 ✓
RECEIVED DATE TOTAL TERM BASE DATE

2. Less total preconfinement credit (1156 + 41) - 1197 ✓

3. MAXIMUM DSL RELEASE DATE = 11-11-2012 ✓

B. GOOD TIME CREDIT

1. Received date or 7-1-77 whichever is later, less one day - ~~2-20-91~~ 2-21-91

2. Days in custody of department = 7935

3. Postsentence + 41

4. Days in custody on which GTC may be earned = 7976

5. ÷ 3 = GOOD TIME CREDIT = ~~2658~~ 2659

C. MINIMUM DSL RELEASE DATE (A-3 minus B-5) = 8-2-2005

1/3 MERD

COMMENTS:
Vac #1 2/1994
Indeed 7/2004
MEPD: 8-1-2005

Computed by J. Miller 2/26/91
Case Records date

Audited by ______ ______
Case Records date

NAME	NUMBER	INSTITUTION	DATE
Walters, Martin	E86183	RJDRC	2/26/91

CDC 679a (Rev 12/81)

EXHIBIT COVER PAGE:

Exhibit: D

Description of this exhibit: multijurisdiction prisoner proceedure and decision. with chapter III, first degree Murder Matrix

Number of pages of this exhibit: 2 pages

JURISDICTION: (Check only one)

_____ Municipal Court

_____ Superior Court

_____ Appellate Court

_____ State Supreme Court

_____ United States District Court

_____ United States Circuit Court

_____ United States Supreme Court

_____ California Department of Corrections, 602 Exhibit.

_____ Other: ______________________________

1. Amendment filed 10-27-77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 44).
2. Amendment of subsection (b) filed 7-14-78 as an emergency; effective upon filing (Register 78, No. 28).
3. Certificate of Compliance filed 10-27-78 (Register 78, No. 43).

frog 03/16/07, Register 2007, No. 11

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15 CCR s 2368, s 2368. Prehearing Procedures.

***764 15 CCR s 2368**

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PRISON TERMS
CHAPTER 3. PAROLE RELEASE
ARTICLE 10. MULTIJURISDICTION REGULATIONS

This database is current through 03/16/07, Register 2007, No. 11

s 2368. Prehearing Procedures.

Upon notification that the board at the central office calendar has ordered a hearing for a multijurisdiction prisoner or parolee, the central office hearing coordinator shall assure that the officials of the other jurisdiction have done the following:

(a) Scheduled the hearing.

(b) Met time limits.

(c) Advised the prisoner or parolee of his rights.

(d) Screened the prisoner's or parolee's requests for witnesses, if applicable.

(e) Notified any necessary witnesses of the date, time and place of the hearing, if applicable.

(f) Disclosed all documentary and physical evidence unless designated confidential under Section 2235.

(g) Decided requests for continuances under Section 2253.

(h) Arranged necessary attorney representation, if applicable.

(i) Otherwise prepared the case for a hearing.

frog 03/16/07, Register 2007, No. 11

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15 CCR s 2369, s 2369. Documentation Hearing.

***765 15 CCR s 2369**

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PRISON TERMS
CHAPTER 3. PAROLE RELEASE
ARTICLE 10. MULTIJURISDICTION REGULATIONS

This database is current through 03/16/07, Register 2007, No. 11

s 2369. Documentation Hearing.

At this hearing, the panel shall review the prisoner's activities and conduct considering the criteria in ss 2290 and 2410 and document activities and conduct pertinent to granting and withholding postconviction credit. This hearing shall be conducted by a one person panel and the panel member shall be a commissioner or deputy commissioner. The hearing shall be scheduled pursuant to s 2269.1. For multijurisdiction prisoners located outside California, the hearing may be conducted over the telephone or by videoconferencing.

Note: Authority cited: Section 5076.2, Penal Code. Reference: Section 1389.7, 3041, 3041.5, 11190 and 11193, Penal Code.

HISTORY

1. Amendment of section heading, repealer and new section and newNote filed 6-17-2003; operative 7-17-2003 (Register 2003, No. 25).

frog 03/16/07, Register 2007, No. 11

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15 CCR s 2370, s 2370. Initial Parole Hearing: Prisoner Rights.

***766 15 CCR s 2370**

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PRISON TERMS
CHAPTER 3. PAROLE RELEASE
ARTICLE 10. MULTIJURISDICTION REGULATIONS

This database is current through 03/16/07, Register 2007, No. 11

s 2370. Initial Parole Hearing: Prisoner Rights.

(a) Multijurisdiction Prisoners Located in California. At the hearing specified in Section 2268 all multijurisdiction prisoners located in California, shall have the rights specified in Sections 2245-2255.

(b) Multijurisdiction Prisoners Located Outside California. At the hearing specified in Section 2268, all multijurisdiction prisoners located outside California shall have the rights specified in Section 2367. The hearing shall be a telephone hearing.

(c) Record. The record of the hearing shall be a verbatim transcript.

(d) Decision. In making a decision concerning parole for multijurisdiction prisoners the hearing panel shall make one of the following decisions considering the factors enumerated:

(1) To discharge the California sentence at the minimum eligible parole date and waive parole when the crime for which the prisoner has been committed to the other jurisdiction is more serious than the California crime or when the prisoner has stronger family, social or economic ties to the other jurisdiction than he does to California.

(2) To set the California term as provided in this Chapter if the prisoner would serve substantially more time for the California crimes than for the crimes committed in the other jurisdiction, the prisoner has stronger social, family or economic ties to California or the panel determines that discharge would be inappropriate.

Note: Authority cited: Section 5076.2, Penal Code. Reference: Sections 1170.2, 3041, 3041.5 and 3041.7, Penal Code.

HISTORY

1. Amendment of section title filed 10-27-77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 44).
2. New subsection (d) filed 4-4-78; effective thirtieth day thereafter (Register 78, No. 14).
****767** 3. Amendment of subsection (d)(2) filed 8-12-82; effective thirtieth day thereafter (Register 82, No. 33)*

frog 03/16/07, Register 2007, No. 11

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15 CCR s 2371, s 2371. Progress Hearing: Prisoner Rights.

***768 15 CCR s 2371**

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 15. CRIME PREVENTION AND CORRECTIONS
DIVISION 2. BOARD OF PRISON TERMS
CHAPTER 3. PAROLE RELEASE

California Code Of Regulations
Title 15. Division 2. Board of Prison Terms

CIRCUMSTANCES

First Degree Murder Penal Code 189 (in years and does not include post conviction credit as provided in 2290)	A. Indirect Victim died of crimes related to the act of the prisoner but was not directly assaulted by prisoner with deadly force, e.g. shock producing heart attack; a crime partner actually did the killing	B. Direct or Victim Contribution Death was almost immediate or resulted at least partially from contributing factors from the victim; e.g. victim initiated struggle or had goaded the prisoner. This does not include victim acting in defense of self or property.	C. Severe Trauma Death resulted from severe trauma inflicted with deadly intensity; e.g. beating, clubbing, stabbing, strangulation, suffocation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or action calculated to induce terror in the victim.	D. Torture Victim was subjected to the prolonged of physical pain through the use of non-deadly force prior to act resulting in death.
I. Participating Victim Victim was accomplice or otherwise implicated in a criminal act with the prisoner during which or as a result of which the death occurred, e.g., crime partners, drug dealers, etc.	25-26-27	26-27-28	27-28-29-	28-29-30
II. Prior relationship Victim was involved in a personal relationship with prisoner (spouse, family member, friend, etc), which contributed to the motivation for the act resulting in death. If victim had a personal relationship but prisoner hired and/or paid a person to commit the offense. See Category IV.	26-27-28	27-28-29	28-29-30	29-30-31
III. No Prior relationship Victim had little or no personal relationship with prisoner, or motivation for act resulting in death was related to the accomplishment of another crime, e.g. death of victim during robbery, rape, or other felony.	27-28-29	28-29-30	29-30-31	30-31-32
IV. Threat to Public order or Murder for Hire The act resulting in the victim's death constituted a threat to the public order include the murder of a police officer, prison guard, public official, fellow patient or prisoner, any killing within an institution or any killing where the prisoner hired and/or paid another person to commit the offense.	28-29-30	29-30-31	30-31-32	31-32-33

(c) Matrix of Base Terms for Second Degree Murder on or after November 8, 1978

CIRCUMSTANCES

Second Degree Murder Penal Code 189 (in years and does not include post conviction credit as provided in 2290)	A. Indirect Victim died of crimes related to the act of the prisoner but was not directly assaulted by prisoner with deadly force, e.g. shock producing heart attack; a crime partner actually did the killing	B. Direct or Victim Contribution Death was almost immediate or resulted at least partially from contributing factors from the victim; e.g. victim initiated struggle or had goaded the prisoner. This does not include victim acting in defense of self or property.	C. Severe Trauma Death resulted from severe trauma inflicted with deadly intensity; e.g. beating, clubbing, stabbing, strangulation, suffocation, burning, multiple wounds inflicted with a weapon not resulting in immediate death or action calculated to induce terror in the victim.
I. Participating Victim Victim was accomplice or otherwise implicated in a criminal act with the prisoner during which or as a result of which the death occurred, e.g., crime partners, drug dealers, etc.	15-16-17	16-17-18	17-18-19
II. Prior relationship Victim was involved in a personal relationship with prisoner (spouse, family member, friend, etc), which contributed to the motivation for the act resulting in death. If victim had a personal relationship but prisoner hired and/or paid a person to commit the offense. See Category IV.	16-17-18	17-18-19	18-19-20
III. No Prior relationship Victim had little or no personal relationship with prisoner, or motivation for act resulting in death was related to the accomplishment of another crime, e.g. death of victim during robbery, rape, or other felony.	17-18-19	18-19-20	19-20-21

EXHIBIT COVER PAGE:

Exhibit: E

Description of this exhibit: Proposed decision, 5 year denial, Evidence that Petitioner may not be released before 2010, without intervention, and no indication that the proposed decision has ever been reviewed appropriately.

Number of pages of this exhibit: 2 pages

JURISDICTION: (Check only one)

_____Municipal Court

_____Superior Court

_____Appellate Court

_____State Supreme Court

_____United States District Court

_____United States Circuit Court

_____United States Supreme Court

_____California Department of Corrections, 602 Exhibit.

_____Other: ____________________

Multi jurisdiction ?

INITIAL PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

In the matter of the Life Term Parole Consideration Hearing of:) MARTIN WALTERS)	CDC Number E-86183

COPY
INMATE

PLEASANT VALLEY STATE PRISON

COALINGA, CALIFORNIA

FEBRUARY 24, 2005

PANEL PRESENT:

MARGARITA PEREZ, Presiding Commissioner
DANIELLE LOPEZ, Deputy Commissioner

OTHERS PRESENT:

MARTIN WALTERS, Inmate
MARY ANN TARDIFF, Attorney for Inmate
RICHARD SACHS, Deputy District Attorney

CORRECTIONS TO THE DECISION HAVE BEEN MADE ?

______	No	See Review of Hearing
______	Yes ?	Transcript Memorandum

BOARD OF PRISON TERMS STATE OF CALIFORNIA

LIFE PRISONER: PAROLE CONSIDERATION PROPOSED DECISION:

Multijurisdiction prisoner ? **DENY PAROLE**

[✓] **PAROLE DENIED FOR:** 1 2 3 4 (5) **YEARS**

→ Place the prisoner on the 2/2010 calendar for his next subsequent hearing.

If this decision is final, you WILL NOT get paroled. The Board will send you a copy of the decision. It will indicate the reasons you did not get paroled. If this decision is not final, the Board will set up another hearing. You can read the laws about your hearing. You can find the laws at California Code of Regulations, Title 15, section 2041.

RECOMMENDATIONS

The Board Recommends:

[✓] No more 115's or 128A's
[ ] Work to reduce custody level
[✓] Get self-help*
[✓] Stay discipline free
[✓] Learn a trade*
[✓] Get therapy*
[✓] Earn positive chronos
[ ] Get a GED*

[ ] Recommend transfer to ______
[ ] Other

* These programs are recommended if they are offered at your prison and you are eligible/able to participate.

HEARING PANEL

Name [signature] Date 2/24/05

Name [signature] Date

Name Date

NAME	CDC#	PRISON	DATE

BPT 1005(b)
(REV 04/04)

INMATE COPY
Apr 13, 2006 11:47AM

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Canary-BPT
Pink-Prisoner

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5. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

6. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
☐ Yes ☒ No

7. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding NONE

(b) On appeal from any adverse ruling in a post-conviction proceeding NONE

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Martin Walters "Pro Se"
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

10-31-2007
(DATE)

Martin Walters
SIGNATURE OF PETITIONER

FORM D

PROOF OF SERVICE
BY A PERSON
IN STATE CUSTODY

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, MATTHEW BRADEN, declare:

I am over 18 years of age and Not a party to this action. I am a resident of P.O. Box 4000 Vacaville CA. 95696, Cali. State Prison at Solano Prison, in the county of Solano, State of California. My prison address is: California State Prison Solano, ~~P.O. Box~~ P.O. Box 4000, Vacaville CA. 95696.

On November, 19 2007,
(DATE)

I served the attached: Petition for Writ of Habeas Corpus; Points and Authoritie in support of Petition; Declaration in Support of Petition; Motion for Counsel and Proceed in forma pauperis.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Clerk of U.S. District Court
Room 4290
880 Front Street
San Diego CA. 92101-8900

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 11-19-2007
(DATE)

Matt Braden
(DECLARANT'S SIGNATURE)